

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred Senate Bill 44, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Page 1, between the enacting clause and line 1, begin a new
 2 paragraph and insert:
 3 "SECTION 1. IC 5-8-2-2 IS ADDED TO THE INDIANA CODE AS
 4 A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,**
 5 **2007]: Sec. 2. Any person holding any office under the Constitution**
 6 **of the State of Indiana or Indiana law who:**
 7 **(1) is delinquent in the payment of at least fifteen thousand**
 8 **dollars (\$15,000) in child support; and**
 9 **(2) has been subject to a judgment under IC 31-16-16 for**
 10 **delinquent child support payments for more than sixty (60)**
 11 **days;**
 12 **forfeits office and shall be removed from office under IC 34-17."**
 13 Page 1, line 2, delete "JULY 1, 2007]:" and insert "UPON
 14 PASSAGE]:".
 15 Page 2, line 19, delete "JULY 1, 2007]:" and insert "UPON
 16 PASSAGE]:".

1 Page 2, line 30, delete "JULY 1, 2007]:" and insert "UPON
2 PASSAGE]:".

3 Page 3, line 8, delete "JULY 1, 2007]:" and insert "UPON
4 PASSAGE]:".

5 Page 4, line 14, delete "JULY 1, 2007]:" and insert "UPON
6 PASSAGE]:".

7 Page 4, line 17, delete "related" and insert "**relating**".

8 Page 4, line 24, delete "JULY 1, 2007]:" and insert "UPON
9 PASSAGE]:".

10 Page 5, line 33, delete "JULY 1, 2007]:" and insert "UPON
11 PASSAGE]:".

12 Page 8, between lines 34 and 35, begin a new paragraph and insert:
13 "SECTION 8. IC 35-40-4-4.5 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2007]: **Sec. 4.5. "Employee" means a victim**
16 **employed by an employer.**

17 SECTION 9. IC 35-40-4-4.6 IS ADDED TO THE INDIANA CODE
18 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
19 1, 2007]: **Sec. 4.6. "Employer" means a person who:**

20 **(1) employs or will employ at least fifty (50) persons for each**
21 **working day in each of twenty (20) or more calendar weeks in**
22 **the current calendar year; or**

23 **(2) employed at least fifty (50) persons for each working day**
24 **in each of twenty (20) or more calendar weeks in the previous**
25 **calendar year.**

26 **The term includes a person who acts directly or indirectly in the**
27 **interest of an employer in relation to an employee.**

28 SECTION 10. IC 35-40-5-10 IS ADDED TO THE INDIANA
29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2007]: **Sec. 10. (a) Subject to subsections (b),**
31 **(c), and (f), an employee has the right to leave work to:**

32 **(1) be present at a proceeding in accordance with:**

33 **(A) sections 5 through 7 of this chapter, in order to exercise**
34 **the rights of a victim; and**

35 **(B) IC 35-40-11-1, in order to exercise the employee's**
36 **rights as a victim to be present and to be heard at court**
37 **proceedings;**

38 **(2) file a petition for an order for protection under**

1 **IC 34-26-5-2;**

2 **(3) attend a hearing on a petition upon notification from a**
 3 **court under IC 34-26-5-10(a); and**

4 **(4) confer with a representative of the prosecuting attorney's**
 5 **office in accordance with section 3 of this chapter.**

6 **(b) An employer:**

7 **(1) may not:**

8 **(A) dismiss an employee; or**

9 **(B) reduce or restrict the:**

10 **(i) seniority;**

11 **(ii) precedence;**

12 **(iii) eligibility for a promotion;**

13 **(iv) eligibility for a salary increase; or**

14 **(v) eligibility for any other work related benefit;**

15 **of an employee who exercises the employee's rights under this**
 16 **section;**

17 **(2) may require an employee to use the employee's accrued**
 18 **vacation time, personal time, sick time, or compensatory leave**
 19 **time during the period the employee is absent from work**
 20 **while exercising the employee's rights under this section; and**

21 **(3) is not required to compensate an employee for any work**
 22 **time lost due to the employee's exercise of the employee's**
 23 **rights under this section.**

24 **(c) An employee may not exercise the employee's rights under**
 25 **this section unless the employee provides the employer with a copy**
 26 **of:**

27 **(1) the notice of victim's rights provided to the employee**
 28 **under IC 35-40-6-4; and**

29 **(2) any notice of scheduled proceedings that has been**
 30 **provided to the employee.**

31 **(d) Records maintained by an employer concerning an**
 32 **employee's exercise of the employee's rights under this section are**
 33 **confidential.**

34 **(e) An employer may not refuse to employ a person because the**
 35 **person has exercised the person's rights under this section.**

36 **(f) An employer may restrict the amount of time an employee is**
 37 **absent under this section if the employee's absence would create**
 38 **significant difficulty or cause significant expense to the employer**

1 **in light of the size of the employer's business and the importance**
2 **of the employee to the operation of the employer's business.**

3 SECTION 11. IC 35-40-6-4 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A prosecuting
5 attorney or a victim assistance program shall do the following:

6 (1) Inform a victim that the victim may be present at all public
7 stages of the criminal justice process to the extent that:

8 (A) the victim's presence and statements do not interfere with
9 a defendant's constitutional rights; and

10 (B) there has not been a court order restricting, limiting, or
11 prohibiting attendance at the criminal proceedings.

12 (2) Timely notify a victim of all criminal justice hearings and
13 proceedings that are scheduled for a criminal matter in which the
14 victim was involved.

15 (3) Promptly notify a victim when a criminal court proceeding has
16 been rescheduled or canceled.

17 (4) Obtain an interpreter or translator, if necessary, to advise a
18 victim of the rights granted to a victim under the law.

19 (5) Coordinate efforts of local law enforcement agencies that are
20 designed to promptly inform a victim after an offense occurs of
21 the availability of, and the application process for, community
22 services for victims and the families of victims, including
23 information concerning services such as the following:

24 (A) Victim compensation funds.

25 (B) Victim assistance resources.

26 (C) Legal resources.

27 (D) Mental health services.

28 (E) Social services.

29 (F) Health resources.

30 (G) Rehabilitative services.

31 (H) Financial assistance services.

32 (I) Crisis intervention services.

33 (J) Transportation and child care services to promote the
34 participation of a victim or a member of the victim's
35 immediate family in the criminal proceedings.

36 (6) Inform the victim that the court may order a defendant
37 convicted of the offense involving the victim to pay restitution to
38 the victim under IC 35-50-5-3.

- 1 (7) Upon request of the victim, inform the victim of the terms and
2 conditions of release of the person accused of committing a crime
3 against the victim.
- 4 (8) Upon request of the victim, give the victim notice of the
5 criminal offense for which:
- 6 (A) the defendant accused of committing the offense against
7 the victim was convicted or acquitted; or
- 8 (B) the charges were dismissed against the defendant accused
9 of committing the offense against the victim.
- 10 (9) In a county having a victim-offender reconciliation program
11 (VORP), provide an opportunity for a victim, if the accused
12 person or the offender agrees, to:
- 13 (A) meet with the accused person or the offender in a safe,
14 controlled environment;
- 15 (B) give to the accused person or the offender, either orally or
16 in writing, a summary of the financial, emotional, and physical
17 effects of the offense on the victim and the victim's family; and
- 18 (C) negotiate a restitution agreement to be submitted to the
19 sentencing court for damages incurred by the victim as a result
20 of the offense.
- 21 (10) Assist a victim in preparing verified documentation
22 necessary to obtain a restitution order under IC 35-50-5-3.
- 23 (11) Advise a victim of other rights granted to a victim under the
24 law, **including the rights of an employee under**
25 **IC 35-40-5-10."**

26 Page 8, line 37, delete "JULY 1, 2007]:" and insert "UPON
27 PASSAGE]:".

28 Page 9, line 7, delete "JULY 1, 2007]:" and insert "UPON
29 PASSAGE]:".

- 1 Page 9, after line 24, begin a new paragraph and insert:
- 2 "SECTION 14. **An emergency is declared for this act.**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 44 as printed January 19, 2007.)

and when so amended that said bill do pass.

Representative Lawson L